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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,575	10/18/2000	Paul Harold Kavulak	257/081	6503
34263	7590	06/04/2004	EXAMINER	
O'MELVENY & MEYERS 114 PACIFICA, SUITE 100 IRVINE, CA 92618			FERRIS, DERRICK W	
			ART UNIT	PAPER NUMBER
			2663	7

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,575

Applicant(s)

KAVULAK ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4.6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,011,844 A to *Uppaluru et al.* (“*Uppaluru*”).

As to **claim 1**, *Uppaluru* teaches a telecommunications system adapted to perform as a call receiving center for an inbound telemarketing campaign. It is important to note that applicant cites the *Uppaluru* reference in the background of applicant's disclosure, see page 4 first full paragraph. Examiner would like to point out that the issues raised by the applicant for this reference are *not* recited in the claims. These issues include supporting a large number of POP call center gateways, is limited to 800 number calls, and does not eliminate the need to have a fully equipped business call center in communication with the POP call center gateway. The examiner would encourage the applicant to amend the claims to include these limitations, however, the examiner feels these limitations are obvious in view of the prior art (i.e., the examiner may change this rejection to an obviousness rejection if applicant amends the claims). The examiner would also like to caution the applicant in adding new subject matter depending on how

Art Unit: 2663

these limitations are recited in the claims (i.e., the examiner strongly encourages applicant to provide support for such claim amendments in applicant's specification).

With respect to the anticipated rejection, *Uppaluru* discloses a scalable network architecture. In particular, *Uppaluru* shows in figure 5, a POP call center 152 that acts as a hub which interfaces with various business call center spokes 150 where each spoke is from the same business center. Here the business call centers are geographically dispersed from the POP call center (i.e., the backend is at a different location).

Furthermore, examiner notes specifically functionality in the front end as opposed to the back end. Specifically, in comparison to applicant's figure 2, the IVR (i.e., the VRU) is in the front end (i.e., the hub) while the ACD is in the back end (i.e., the spoke or remote site), see e.g., column 2, lines 43-67. The gateway uses the translated 800 number (that was translated to a local number) to identify an IVR application that can either be replicated at the POP call center or dynamically accessed from the business call center (i.e., remote site). Specifically, the POP call center (i.e., hub) responds to the incoming call with an IVR application customized to the business call center that was called by the customer. The connectivity member can be either the long distance network 14 or the call center network 148 where the call center network can also transport voice.

As to **claims 2-4**, see e.g., column 4, lines 60-67.

As to **claims 5-6**, see e.g., column 2, lines 43-56.

As to **claims 7-8**, see e.g., column 4, lines 60-67.

As to **claims 9-12**, see e.g., column 4, lines 25-30.

As to **claim 13**, see e.g., column 3, lines 57-63.

Art Unit: 2663

As to **claims 14-15**, see e.g., column 4, lines 60-67.

As to **claim 16**, see e.g., column 3, lines 58-67.

As to **claims 17-20**, see e.g., figure 3.

As to **claims 21-22**, see column 5, lines 1-14.

As to **claim 23**, see similar rejection to claim 1.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- ❑ US005923745A - see figure 2.
- ❑ US006122364A – see figure 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/692,575
Art Unit: 2663

Page 5



DWF

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Art Unit 2663



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